

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 TERRY APPLING,) Case No.: 10-CV-01900-LHK
13 Plaintiff,) ORDER DENYING MOTION TO
14 v.) CONTINUE HEARING AND
WACHOVIA MORTGAGE, FSB, et al.,) GRANTING STIPULATION TO RESET
15 Defendants.) BRIEFING SCHEDULE

17 Plaintiff Terry Appling moved to continue the hearing on Defendant's Motion to Dismiss
18 and Case Management Conference, both of which are scheduled for September 16, 2010, to
19 September 23, 2010. Counsel for Plaintiff states that he is unable to access documents in the case
20 due to a network failure and will be unable to timely prepare an Opposition without a continuance.
21 Defendant has not stipulated to the request to continue the hearing. However, the parties have
22 stipulated to revise the briefing schedule such that Plaintiff's Opposition is due September 2, 2010,
23 and Defendant's Reply is due September 9, 2010. Plaintiff states that this briefing schedule is
24 acceptable.

25 Plaintiff's requested hearing date of September 23, 2010, is not available due to the Judge's
26 unavailability on that date, as noted on the Court's calendar. Therefore, the Court DENIES
27 Plaintiff's request to continue the hearing and case management conference. However, the Court

1 GRANTS the parties' stipulation to reset the briefing schedule. Plaintiff's Opposition will be due
2 on September 2, 2010; Defendant's Reply will be due on September 9, 2010; and the motion will
3 be heard on September 16, 2010, followed by a case management conference.
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IT IS SO ORDERED.

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6 Dated: August 30, 2010
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Lucy H. Koh
LUCY H. KOH
United States District Judge